

**REMARKS**

Applicants appreciate the time and consideration that the Examiner has provided in reviewing this application. In the previous Office Action dated November 29, 2006, the Examiner rejected claims 1-30. More specifically:

- Claims 1-4, 6-10, 12-18, 20-24 and 26-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,864 (Foltz) in view of U.S. Published Application No. 2004/0093567 (Schabes);
- Claims 5, 11 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Foltz in view of Schabes as applied to claims 1 and 16, and further in view of U.S. Published Application No. 2003/0149692 (Mitchell); and
- Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Foltz in view of Schabes, as applied to claim 16, and further in view of U.S. Published Application No. 2003/0023642 (Spragins).

Claims 1 and 16 have been amended. Support for the amendments may be found in the originally filed specification at least at paragraphs 0044 and 0046, and in Figure 4. Applicants respectfully submit that claims 1-30 as amended are allowable over all of the cited art and that the present amendment should be entered.

Applicants respectfully submit that none of the prior art cited by the Examiner discloses, teaches or suggests the present invention. Therefore, neither independent claim 1 nor 16, as amended, is obvious based upon any of the cited art. More particularly, Applicants submit that the prior art fail to teach or suggest, among other things, “wherein the model includes at least one decision tree to determine a probability associated with a likelihood of the at least one writing style error, and wherein the at least one decision tree is generated based on at least one human evaluated essay,” as recited in claims 1 and 16. Obviousness requires that each and every element of a claim be present in a combination of references, along with a teaching, motivation and suggestion of success in combining them. *See* MPEP 2143.01. In addition, a modification to a reference is not obvious if it changes that reference’s principle of operation. *Id.*

The combination of Foltz and Schabes fail to teach the present invention. The Examiner cites Foltz in his obviousness rejection of independent claims 1 and 16 as disclosing a methodology for analyzing and evaluating a sample text, such as an essay. Specifically, Foltz “analyzes the amount of subject-matter information in the sample text, analyzes the relevance of subject matter information in the sample and evaluates the semantic coherence of the sample.” Foltz, Abstract. The method disclosed in Foltz involves the parsing and storing of text objects and text segments from the sample text and determining the degree of similarity between a sample text and a standard reference text. Next, the Examiner cites Schabes in his obviousness rejection of independent claims 1 and 16 as disclosing a method for displaying an indication of an identified writing style error. Schabes specifically discloses a spelling and grammar checking system in which a spelling suggestion module suggests corrections for misspelled words. The spelling suggestion module determines a list of replacement words for the identified misspelled word and determines a list of alternate words.

As amended, the present invention is directed to a method for automatically evaluating an essay to detect at least one writing style error based on a comparison between feature values of one or more text segments and a model. The model particularly includes a decision tree to determine a probability associated with the likelihood of the at least one writing style error. Furthermore, the at least one decision tree is generated based on at least one human evaluated essay. Both Foltz and Schabes fail to teach the use of a decision tree to determine a probability associated with the likelihood of at least one writing style error. Indeed, neither Foltz nor Schabes discloses the use of a probability associated with the likelihood of a writing style error at all. Rather, Foltz discloses the use of a method for comparing the sample text to the reference text by computing the cosine between a vector representation of the sample text and a vector representation of the standard reference text. Foltz, Abstract. Alternatively, in Foltz, a dot product can be used to compare the sample text to the standard reference text. *See id.* Schabes discloses the use of a rank associated with each alternative word outputted by a spelling suggestion module. Schabes, 5:0068-0069. Unlike the present invention, Schabes utilizes ranks associated with correct alternatives, not with the likelihood of a writing style error itself.

Accordingly, Foltz, Schabes, and the other prior art cited by the Examiner fail to teach the present invention because each and every element of the claims of the present invention are not found in the cited combination of references. Claims 1 and 16 are therefore not obvious.

Because claim 1 and 16 are patentable, claims 2-15 and 17-30 are patentable as dependent from patentable base claims. *See* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Reconsideration of those claims is respectfully requested. Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103 rejections.

### **CONCLUSION**

In conclusion, and in view of the remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of all pending claims. Applicants respectfully submit that the above amendments have not added any new matter to the application.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Respectfully submitted,



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